

**FILED**

APR 26 2011

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN LOUIS MITCHAM,

No. C-97-3825 JW

Petitioner,

ORDER RE PETITIONER'S 5TH  
UNOPPOSED MOTION TO MODIFY  
FILING DATES

v.

MICHAEL MARTEL, Warden,

Respondent

The Court is in receipt of petitioner's Fifth Unopposed Motion To Modify Filing Dates. In its Order of November 5, 2010, the Court directed the parties to address the applicability of Batson v. Kentucky, 476 U.S. 79 (1986), to the ineffective assistance of counsel subclaim of claim D before filing the surreply and response requested in the Court's Order Regarding Claim D, filed on August 25, 2010. In the interest of efficiency, the parties' briefing should follow this directive.

Accordingly, petitioner shall file his brief regarding the above matter within 30 days of the date of this Order. Respondent shall file his response within 30 days of the date of service of petitioner's brief. Each party's brief shall not exceed five pages. A briefing schedule for the surreply and response will be set when the Court rules on the above matter.

IT IS SO ORDERED.

*April 26, 2011*

  
JAMES WARE  
United States District Chief Judge